

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201805706	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 07/14/2018 9:55 AM	Location of Incident: [REDACTED]	Precinct: 114	18 Mo. SOL 1/14/2020	EO SOL 1/14/2020	
Date/Time CV Reported Mon, 07/16/2018 11:55 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/16/2018 11:55 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Victor Veintimilla	02520	931371	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Roland	09499	965479	REC TNG
2. SGT Michael Wren	02297	953579	114 PCT
3. LT Michael Aliseo	00000	944316	114 PCT
4. POM Robert Smilove	04915	961303	114 PCT
5. POF Jessica Ricotta	01828	962055	114 PCT
6. SGT Blake Blake	03485	927932	114 PCT
7. TEA § 87(2)(b)		§ 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
A . POM Victor Veintimilla	Abuse of Authority: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla stopped the vehicle in which § 87(2)(b) was an occupant.	A . § 87(2)(g)
B . POM Victor Veintimilla	Discourtesy: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b).	B . § 87(2)(g)
C . POM Victor Veintimilla	Force: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla hit § 87(2)(b) with his car door.	C . § 87(2)(g)
D . POM Victor Veintimilla	Off. Language: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla made remarks to § 87(2)(b) based on the perceived mental health of § 87(2)(b).	D . § 87(2)(g)
E . POM Victor Veintimilla	Off. Language: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla made remarks to § 87(2)(b) based upon the gender of § 87(2)(b).	E . § 87(2)(g)
F . POM Victor Veintimilla	Discourtesy: En route to the 114th Precinct stationhouse, Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b).	F . § 87(2)(g)
G . POM Victor Veintimilla	Discourtesy: At the 114th Precinct stationhouse, Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b).	G . § 87(2)(g)

Officer(s)	Allegation	Investigator Recommendation
H . POM Victor Veintimilla	Other: There is evidence suggesting Police Officer Victor Veintimilla provided a false official statement in violation of Patrol Guide Procedure 203-08.	H . § 87(2)(g) [REDACTED]

Case Summary

On July 14, 2018, § 87(2)(b) filed this complaint with IAB via telephone. It was referred to the CCRB on July 18, 2018 via IAB log 18-27934. Additionally, on July 16, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

On July 14, 2018, at approximately 10:00 AM, in the vicinity of § 87(2)(b) in Queens, PO Victor Veintimilla of the 114th Precinct stopped § 87(2)(b)'s vehicle (**Allegation A- Abuse of Authority:** § 87(2)(g)). PO Veintimilla spoke discourteously to § 87(2)(b) (**Allegation B- Discourtesy:** § 87(2)(g)). PO Veintimilla hit § 87(2)(b) with his car door (**Allegation C- Force:** § 87(2)(g)). PO Veintimilla made remarks to § 87(2)(b) based on her perceived mental health and made remarks based upon gender (**Allegations D and E- Offensive Language:** § 87(2)(g)).

While transporting § 87(2)(b) to the 114th Precinct, PO Veintimilla spoke discourteously to her (**Allegation F-Discourtesy:** § 87(2)(g)). At the 114th Precinct stationhouse, PO Veintimilla spoke discourteously to § 87(2)(b) (**Allegation F- Discourtesy:** § 87(2)(g)).

There is evidence suggesting that PO Veintimilla provided a false official statement to the CCRB during the course of this investigation (**Allegation G- Other Misconduct**)

§ 87(2)(b) was charged with § 87(2)(b), § 87(2)(a) CPL 160.50 (Board Review 01).

Video footage was obtained from surveillance cameras outside of § 87(2)(b) in Queens, which captured the initial interaction between § 87(2)(b) TEA § 87(2)(b) and PO Veintimilla (Board Review 02). There is no known video footage from the location of the stop and arrest (§ 87(2)(b) and none was obtained. There is no known footage of the interaction at the 114th Precinct stationhouse and none was obtained.

At the time of this incident, officers from the 114th Precinct were not assigned body-worn cameras.

Findings and Recommendations

Allegation A-Abuse of Authority: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that on July 14, 2018, at approximately 10:00 a.m., § 87(2)(b) parked her car in a bus stop in front of the § 87(2)(b) in Queens and, with her § 87(2)(b)-old daughter, § 87(2)(b) went inside and dropped off bags of donated clothes. As she was inside the store, Traffic Enforcement Agent (TEA) § 87(2)(b) approached her car and prepared a parking summons. Before TEA § 87(2)(b) could issue the summons, § 87(2)(b) ran outside, got back into her car with § 87(2)(b) and drove southbound on Steinway Street. PO Veintimilla, who was driving north on § 87(2)(b) in an unmarked car observed the incident and made a U-turn to follow § 87(2)(b) made a right, going west towards § 87(2)(b) and PO Veintimilla stopped her on in front of a § 87(2)(b) and placed her under arrest.

In her sworn statement to the CCRB on August 10, 2018, § 87(2)(b) stated that on the date of incident she observed TEA § 87(2)(b) preparing a summons and ran over to her and asked her not to issue a summons for her vehicle a white sedan (Board Review 03). TEA § 87(2)(b) informed her it was too late. § 87(2)(b) told § 87(2)(b) to get in the car and told TEA § 87(2)(b) she was going to find a legal spot and return. § 87(2)(b) got into the vehicle and pulled out of the spot quickly. § 87(2)(b) was fully in the vehicle when § 87(2)(b) pulled out, and TEA § 87(2)(b) was on the sidewalk. She denied almost hitting TEA § 87(2)(b) or pulling out of the spot before § 87(2)(b) was inside the car. She drove south on § 87(2)(b) and made a right on § 87(2)(b) when she heard police sirens behind her. PO Veintimilla, in an unmarked car, instructed her to pull over via police loudspeaker.

PO Veintimilla provided a statement to the CCRB on January 9, 2019 in which he stated he was driving northbound on § 87(2)(b) when he heard yelling by a bus stop on the opposite side of the street (Board Review 04). He turned left and observed TEA § 87(2)(b) standing by the driver's side of a white sedan parked in the bus stop approximately eight feet away from PO Veintimilla. § 87(2)(b) ran out of a store and got into the driver's seat. She put the car in drive and pulled out of the spot. TEA § 87(2)(b) jumped onto the curb to avoid being struck by § 87(2)(b)'s vehicle. At the same time, PO Veintimilla observed § 87(2)(b) holding on to the front passenger side door handle while the vehicle was in motion, being dragged for approximately fifteen feet. § 87(2)(b) stopped the car and, at that time, § 87(2)(b) entered the front passenger's seat. § 87(2)(b) continued down § 87(2)(b) towards § 87(2)(b) and made a right onto § 87(2)(b) (westbound), driving through a red light. PO Veintimilla made a U-turn and followed her with his emergency lights on; he then radioed to request back up. PO Veintimilla stopped § 87(2)(b)'s vehicle and asked her to exit the car.

Upon being presented with video footage of the incident in the CCRB interview, PO Veintimilla stated that TEA § 87(2)(b) walking onto the curb coupled with § 87(2)(b) screaming that she was getting in her car led him to the conclusion that TEA § 87(2)(b) had to jump out of the way of § 87(2)(b)'s vehicle. PO Veintimilla also pointed out that § 87(2)(b) was driving recklessly as she pulled out of the spot.

The video footage obtained by the investigation from § 87(2)(b) captures § 87(2)(b)'s initial interaction with TEA § 87(2)(b) at § 87(2)(b) (Board Review 02). At 08:59:48 in the timestamp, § 87(2)(b) enters the front passenger's side door and closes the door behind her. At the same time, TEA § 87(2)(b) walks in front of the car toward the sidewalk. After TEA § 87(2)(b) is no longer in the car's path, § 87(2)(b) pulls out of the spot into the southbound lane at a high rate of speed, following closely behind an SUV and drifting slightly into the northbound lane. PO Veintimilla, in a black Chevrolet, makes a U-turn and follows her car. Footage does not capture § 87(2)(b)'s turn onto § 87(2)(b) or the interaction at § 87(2)(b). The video footage does not show § 87(2)(b) hanging outside of the vehicle while it is in motion.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)

Allegation B- Discourtesy: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b)

Allegation D-Offensive Language: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla made remarks to § 87(2)(b) based on the perceived mental health of § 87(2)(b)

Allegation E-Offensive Language: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

§ 87(2)(b) stated that after she pulled over, PO Veintimilla handcuffed her. When she asked why he was handcuffing her, he responded, “Shut the fuck up,” and asked her, “What the fuck were you doing?” PO Veintimilla asked § 87(2)(b) for her identification and when she responded that she did not have any identification, PO Veintimilla told § 87(2)(b) to, “Shut the fuck up or I’ll tag on more charges.” § 87(2)(b) told § 87(2)(b) that it was going to be okay and to stop crying. PO Veintimilla took § 87(2)(b) by the arm and placed her in the back of the unmarked car, telling her, “Get the fuck in the car.” § 87(2)(b) asked PO Veintimilla if she could find care for § 87(2)(b) and he told her, “Shut the fuck up” and threatened to add more charges to her again. PO Veintimilla then placed § 87(2)(b) in the backseat of his vehicle. § 87(2)(b) later informed § 87(2)(b) that while § 87(2)(b) was inside the police car, PO Veintimilla referred to § 87(2)(b) as a “motherfucking crazy bitch” or a “crazy motherfucking bitch” to responding officers.

There is no video footage that captures the time and place when these allegations occurred.

§ 87(2)(b) who was interviewed on August 10, 2018, out of the presence of § 87(2)(b) (Board Review 05) testified that after the door was closed, § 87(2)(b) asked PO Veintimilla if § 87(2)(b) could sit in the backseat with her; PO Veintimilla responded, “Shut the fuck up” and asked § 87(2)(b) if she wanted him to tack on more charges. Once other officers arrived at the location, PO Veintimilla told them that § 87(2)(b) was a “motherfucking crazy bitch.”

PO Veintimilla stated that when he stopped § 87(2)(b) she yelled about her interaction with TEA § 87(2)(b). PO Veintimilla asked § 87(2)(b) what she was doing and told her that she put her child in danger. PO Veintimilla denied asking § 87(2)(b) “What the fuck are you doing,” denied telling her, “Shut the fuck up or I’ll tag on more charges,” or telling her to “get the fuck in the car.” PO Veintimilla denied referring to § 87(2)(b) as a “crazy motherfucking bitch” at any point during the incident either in front of § 87(2)(b) or in front of other officers.

Police Officer Daniel Roland and TEA § 87(2)(b) both testified that they did not hear PO Veintimilla tell § 87(2)(b) to “shut the fuck up” and neither heard PO Veintimilla refer to § 87(2)(b) as a “motherfucking crazy bitch” (Board Review 06, 07).

§ 87(2)(g)

§ 87(2)(g)

Allegation C-Force: At § 87(2)(b) in Queens, Police Officer Victor Veintimilla hit § 87(2)(b) with his car door.

§ 87(2)(b)'s left leg was entirely in the car and she did not recall if her right leg was entirely outside of the car or only her knee was jutting out. The back door was almost entirely open and she spoke to § 87(2)(b) (who was standing on the other side of the door). PO Veintimilla slammed the back door. It made contact with her right knee, causing redness.

After § 87(2)(b) was released from Queens Central Booking, she went to § 87(2)(b) where she told medical staff that “the officer used excessive force during the arrest by placing the cuffs too tightly around her wrist and caused her to hit her knee on something” (Privileged Documents). § 87(2)(b) was diagnosed with a right knee abrasion and was prescribed ibuprofen pain reliever.

There is no video footage that captures the time and place when these allegations occurred.

§ 87(2)(b) provided testimony was consistent with § 87(2)(b)'s testimony that PO Veintimilla slammed the car door on § 87(2)(b)'s right leg (Board Review 05).

When PO Veintimilla closed the back door to his vehicle, § 87(2)(b) was fully inside the vehicle. PO Veintimilla did not slam the door on § 87(2)(b)'s leg and the door never made any contact with her knee.

Police Officer Daniel Roland and TEA § 87(2)(b) both testified that they arrived at the location of § 87(2)(b)'s arrest § 87(2)(b) was inside PO Veintimilla's vehicle and that the doors to his car were shut.

§ 87(2)(g)

Allegation F- Discourtesy: En route to the 114th Precinct stationhouse, Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b)

It is undisputed that PO Roland rode in the backseat with § 87(2)(b) as PO Veintimilla drove his vehicle to the 114th Precinct stationhouse.

§ 87(2)(b) testified that during the car ride, PO Veintimilla told her that they were taking her to the 114th Precinct stationhouse and that she could have it done “easy” or she could have “more shit” charged to her. § 87(2)(b) told PO Veintimilla that she was going to call IAB and that she “did not give a fuck” and he could not say “shit like that.” § 87(2)(b) asked “who the fuck he (PO Veintimilla) thought he was.” PO Veintimilla told § 87(2)(b) that he could treat her

like a “bag of shit” and that he could “tag on more motherfucking charges.” PO Veintimilla stated that it was up to his sergeant and if it were up to him, he would have let her go with a summons.

§ 87(2)(b) stated that he was being abusive and there was no reason to curse.

PO Veintimilla testified that during the ride, he informed § 87(2)(b) that she would not qualify for a Desk Appearance Ticket (DAT) as the charge of § 87(2)(b), § 87(2)(a) CPL 160.50 was not a DAT-eligible offense. PO Veintimilla denied stating that he could tack more “shit charged to her” during the ride or state he would tag on more “motherfucking” charges. PO Veintimilla stated that he did not refer to § 87(2)(b) as a “bag of shit” or state he could treat her like a “bag of shit.”

PO Roland stated that during the car ride, § 87(2)(b) told him and PO Veintimilla that she had been in the NYPD academy. § 87(2)(b) screamed “You [referring to PO Veintimilla] can’t do this,” and that she was “coming for blood.” PO Veintimilla did not state that she could have “more shit” charged to her. PO Roland did not hear PO Veintimilla use the term “shit” in any context. PO Roland did not recall any conversation about IAB. PO Roland did not hear PO Veintimilla state he could treat § 87(2)(b) like a “bag of shit” or that he would tag on more “motherfucking charges.”

§ 87(2)(g)

Allegation G- Discourtesy: At 114th Precinct stationhouse, Police Officer Victor Veintimilla spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that when PO Roland and PO Veintimilla escorted her to the front desk at the 114th Precinct stationhouse, PO Veintimilla told the desk sergeant, identified by the investigation as Sergeant Blake Blake, of the 114th Precinct, that he had “a bag of shit, motherfucking shit.” § 87(2)(b) told Sgt. Blake that PO Veintimilla needed to stop talking that way. Sgt. Blake told § 87(2)(b) that PO Veintimilla was not talking about her but was instead talking about the situation. § 87(2)(b) told Sgt. Blake that PO Veintimilla was referring to her and had been cursing from the beginning of the interaction.

Neither PO Veintimilla nor PO Roland recalled the identity of the desk officer at the time of the incident.

PO Veintimilla did not recall who was the sergeant on duty at the desk at the 114th Precinct stationhouse when they arrived. PO Veintimilla denied referring to § 87(2)(b) as a “bag of shit” or “Motherfucking shit” at the stationhouse. § 87(2)(b) did not complain to the desk sergeant about PO Veintimilla in his presence.

PO Roland did not recall any conversation between the desk sergeant and § 87(2)(b). PO Roland did not recall § 87(2)(b) complaining about PO Veintimilla to the desk sergeant or PO Veintimilla referring to her as a “bag of shit” or “motherfucking shit.”

Sgt. Blake had no recollection of this incident and denied ever hearing PO Veintimilla refer to § 87(2)(b) as a “bag of shit” or “motherfucking shit.”

§ 87(2)(g)

Allegation H-Other Misconduct: There is evidence suggesting Police Officer Victor Veintimilla provided a false official statement in violation of Patrol Guide Procedure 203-08.

The CCRB found evidence suggesting that PO Veintimilla provided a false official statement regarding this incident when he stated to the CCRB that he observed § 87(2)(b) hanging on by the side of § 87(2)(b)'s car.

In the arrest report and criminal complaint report that PO Veintimilla prepared regarding this incident, he stated that he observed § 87(2)(b) being dragged outside of the vehicle. § 87(2)(b) was then charged with endangering a child. PO Veintimilla repeated this observation in his CCRB interview. After showing the surveillance footage depicting this incident, the interviewing investigator, former CCRB Investigator John Hanley, notes into the record that the video depicts that the front passenger side door appeared to be closed at the time the car drives away. The following exchange occurred:

PBA Representative Louis Albert: Listen, the video speaks for itself. For your perception across the street at your angle, you thought the kid was dragged until the car was stopped, right?

PO Veintimilla: Correct, and the TEA corroborated that.

Patrol Guide Procedure 203-08 prohibits an officer from making a false official statement and states that an officer found to have made such a statement will be subject to disciplinary action. The statement must be proven to have been made, material, and intentionally false (Board Review 08).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Victor Veintimilla has been a member of service for 17 years and has been a subject in 14 closed CCRB cases and 29 allegations, none of which have been substantiated. ■

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On October 1, 2018, § 87(2)(b) filed a notice of claim with the City of New York, alleging assault, battery, false arrest, false imprisonment, malicious prosecution, intentional infliction of emotional distress, outrageous conduct giving rise to personal injuries, and violation of civil rights. § 87(2)(b) is seeking a redress in the amount of five million dollars. On May 6, 2019, Brittania Stewart, of the New York City Law Department, informed then undersigned that a 50-H hearing was conducted on § 87(2)(b) ■ Ms. Stewart informed the undersigned that the CCRB could not subpoena the hearing without an order from a judge. On July 30, 2019, the undersigned left a message for Ms. Stewart inquiring about the status of the case; the results of this inquiry will be added to the digital case file.
- According to the Office of Court Administration, § 87(2)(b) does not have a history of convictions in the City of New York.
- § 87(2)(b) s arrest stemming from this incident is sealed.

Squad No.: 12

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date